

Amendment Under 37 C.F.R. § 1.116
USSN 09/802,926
Attorney Docket Q63447
June 29, 2004

REMARKS

Claims 2-13 are all the claims pending in the application.

In the Final Rejection Claims 4-7 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1-3 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 1,630,076 to Schmidt in view of U.S. Patent 6,348,023 to Martelli. Claims 4-11 inclusive were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmidt in view of Martelli as applied to Claim 3 and further in view of one or more additional references.

Claim 1 has been canceled without prejudice in order to advance the prosecution of the present application and new independent Claim 13 has been substituted therefore. Claim 2 has been amended to depend from Claim 13 and Claims 3, 4, 8 and 9 have been amended to provide consistent terminology. Reconsideration and allowance of the application are respectfully requested in view of the following remarks.

New Claim 13 includes substantially all of the limitations of original Claim 1 and further specifies that the operating unit provides for replacement of direct manual control of the gearbox with servo-assisted control by the actuator means acting on the operating members (selection and engagement levers mounted on the gearbox) through the flexible elongate mechanical transmission elements in response to the position of the manual gearshift means, namely the gearshift lever operated by the driver. Support for changes can be found on page 9, lines 29-30, page 10, lines 2-4 and page 10, lines 12-15.

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New Claim 13 specifically calls for an operating unit comprising remote manual gearshift means moveable into a plurality of positions for engagement in a desired gear ratio. Actuator means remote from the gearbox and operatively connected to the manual gearshift means for controlling the combined movement of the mechanical operating members in response to the position of the manual gearshift means and flexible elongated mechanical transmission elements connecting the actuator means to the mechanical operating members. The claim further sets forth that upon movement of the manual gearshift means to one of the positions results in the engagement of the corresponding gear ratio of the gearbox by the actuator means acting on the mechanical operating members through the flexible elongate mechanical transmission elements.

New Claim 13 does not provide for a servo-assisted operation of the gearbox in addition to a manual control as the modification of the gearbox of Schmidt in view of Martelli would suggest according to the Examiner's opinion sets forth in the Final Rejection. New Claim 13 would not be obvious in view of the teachings of Schmidt taken with Martelli. Martelli simply teaches a servo-assisted control of the gearbox in addition to the conventional manual control by providing actuators mounted directly on the gearbox. There is no suggestion whatsoever of modifying or replacing the convention manual control of the gearbox with servo-assisted control. Therefore, by modifying Schmidt in view of the teachings of Martelli would only lead one skilled in the art to mount actuators directly on the gearbox in order to enable servo-assisted control of the operating members of the gearbox in addition to the manual control. There is no teaching in either of the references of modifying the operating unit so that the operating members

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of the gearbox are controlled by the conventional manual gearshift lever via the actuators and the flexible mechanical transmission elements. Therefore it is submitted that Claim 13 would not be obvious in view of the combined teachings of Schmidt and Martelli.

Claims 2-12 inclusive which are dependent directly or indirectly from Claim 13 are also considered to be allowable for the reasons set forth above with respect to new Claim 13. Therefore, it is respectfully requested that Claims 2-13 inclusive be allowed and the application passed to issue forthwith.

If for any reason the Examiner is unable to allow the application on the next Office Action and feels that an interview would be helpful to resolve any remaining issue, the Examiner is respectfully requested to contact the undersigned attorney for the purpose of arranging such an interview.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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